

DAE
JEW

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
HOGC415

First named inventor: **Armin Diez**

Application No.: **10/674,202**

Art Unit: **1745**

Filed: **Sept. 29, 2003**

Examiner: **Alejandor**

Title:

**FUEL CELL UNIT, COMPOSITE BLOCK OF FUEL CELLS AND METHOD FOR
MANUFACTURING A COMPOSITE BLOCK OF FUEL CELLS**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1500.00** (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response To Restriction Requirement (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

05/15/2007 NGBREM1 00000017 18674202

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1500.00 DP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

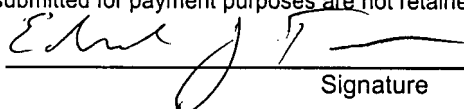
3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Edward J. Timmer

Typed or printed name

P.O. Box 770, Richland, MI 49083

Address

Address

May 9, 2007
Date

27,402

Registration Number, if applicable

269-629-9136

Telephone Number

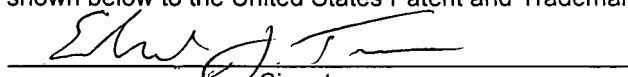
Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 9, 2007
Date


Signature
Edward J. Timmer
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 7, 2007

Applicant : Armin Diez
For : FUEL CELL UNIT, COMPOSITE BLOCK OF FUEL CELLS AND
METHOD FOR MANUFACTURING A COMPOSITE BLOCK OF
FUEL CELLS

Serial No. : 10/674,202
Filed : Sept. 29, 2003

Group: 1745
Examiner: Alejandor
Confirmation No. 4773

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Dear Sir:

The undersigned received a telephone call on May 2, 2007, from Jim Dailes (571-272-8319) of the USPTO indicating that an office action mailed June 21, 2006, requiring restriction of claims and election of species was not responded to.

The undersigned did not receive a notice of abandonment relating to this office action and did not know that a response was overdue. The undersigned obtained the office action of June 21, 2006, from the PTO web site after the telephone call from Jim Dailes.

The undersigned operates with a "reporting/response stack" of application files that require reporting to the client and a response or other action to the USPTO. The above application file was not in the "reporting/response stack". Upon reviewing the application file in the file drawer, the undersigned did not locate the office action of June 21, 2006, in the application file and thus believes the office action was misfiled or misplaced with other application files or papers.

As a result of the above circumstances, the undersigned did not forward the office action to the representative of the Applicant's assignee in Germany pursuant to the usual procedure such that neither the German representative, Applicant, nor the Applicant's assignee was aware of the office action and of the need to respond to it by making an election of claims and species for further prosecution.

Upon reviewing a calendar docketing record, the undersigned discovered an entry for a continuation application on the docketing record of an office action due July 21, 2006, indicating it had been received, but which entry had been unintentionally mistakenly crossed-out to indicate that it had been dealt with as other entries had been crossed-out, when it had not. The undersigned's mistake may have occurred when adjacent docket entries for the same client were crossed-out as completed.

As a result of the above circumstances, the undersigned unintentionally mistakenly did not forward the office action to the representative of the Applicant's assignee pursuant to the usual procedure such that neither the German representative, Applicant, nor the Applicant's assignee was aware of the office action and of the need to respond to it and did not respond to the office action.

The entire delay in filing of the required response from the due date until the filing of this petition thus was unintentional on the undersigned's part, the Applicant's part, and the assignee's part.

Prior to the office action of June 21, 2006, Applicant had filed an IDS on August 8, 2005, and correction of the filing receipt and an IDS on April 20, 2004, indicating Applicant's intent to prosecute this application.

USSN 10/674,202 page 3

Applicant respectfully requests that the above application be revived. Favorable action is requested.

Respectfully submitted,

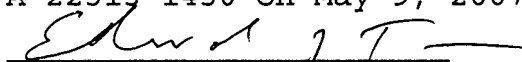
A handwritten signature in cursive script, appearing to read "Edward J. Timmer", written over a horizontal line.

Edward J. Timmer Reg. No. 27,402

enclosure: Postal card

CERTIFICATE OF MAILING

I hereby certify that this correspondence and enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450 on May 9, 2007.

A handwritten signature in cursive script, appearing to read "Edward J. Timmer", written over a horizontal line.

Edward J. Timmer